



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
rebecca@lozeaudrury.com

MAY 15 2018

May 4, 2018

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Gary Koontz, Facility Project Manager
Richard Crockett, General Manager
West Valley MRF, LLC
13373 Napa Street
Fontana, CA 92335

Cole Burr, President and CEO
Burrtec Waste Industries, Inc.
9890 Cherry Ave.
Fontana, CA 92335

VIA FIRST CLASS MAIL

Cole Burr
Registered Agent for Service of Process for
West Valley MRF, LLC
9890 Cherry Ave.
Fontana, CA 92335

Cole Burr
Registered Agent for Service of Process for
Burrtec Waste Industries, Inc.
9890 Cherry Ave.
Fontana, CA 92335

**Re: Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act**

I am writing on behalf of Center for Community Action and Environmental Justice ("CCA EJ") in regard to violations of the Clean Water Act (the "Act" or "CWA") that CCA EJ believes are occurring at your industrial facility located at 13373 Napa Street, in Fontana, California (the "Facility"). CCA EJ is a non-profit public benefit corporation dedicated to working with communities to advocate for environmental justice and pollution prevention. CCA EJ has members living in the community adjacent to the Site and the Santa Ana River Watershed. CCA EJ and its members are deeply concerned with protecting the environment in and around their communities, including the Santa Ana River Watershed. This letter is being sent to West Valley MRF, LLC, Burrtec Waste Industries, Inc., Richard Crockett, and Gary Koontz as the responsible owners or operators of the Site (all recipients are hereinafter collectively referred to as "West Valley MRF").

This letter addresses West Valley MRF's unlawful discharge of pollutants from the Facility to a concrete channel that drains to two culverts that flow into a storm water basin before entering the San Sevaine Channel, and ultimately the Santa Ana River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 97-03-DWQ ("1997 Permit") as renewed by Order No. 2015-0057-DWQ ("2015 Permit"). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit

Messrs. Gary Koontz, et al.
West Valley MRF, LLC
May 4, 2018
Page 2 of 34

went into effect on July 1, 2015. As explained below, the 2015 Permit maintains or makes more stringent the same requirements as the 1997 Permit. As appropriate, CCAEJ refers to the 1997 and 2015 Permits in this letter collectively as the "General Permit." The Waste Discharger identification number for the Facility listed on documents submitted to the California Regional Water Quality Control Board, Santa Ana Region ("Regional Board") and the State Board is 8-361013750. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, CCAEJ hereby places West Valley MRF on formal notice that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCAEJ intends to file suit in federal court against West Valley MRF under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

The West Valley MRF is a materials recovery facility including extensive outdoor operations. In its 2015 Notice of Intent to Comply with the Terms of the General Permit ("NOI"), West Valley MRF certifies that the Facility is classified under SIC codes 4212 and 2875. In its 2012 NOI, West Valley MRF certified that the Facility is classified under SIC codes 4212 and 5093. West Valley MRF's SWPPP dated May 12, 2015 lists the Facility as being classified under SIC codes 4212, 4953, 5093, and 2875. The Facility collects and discharges storm water from its 31.5 acre industrial site through at least two drains. Each of the drains is fitted with a Vortechs System Model 3000 storm water treatment unit which removes some portion of the Facility's sediment, trash, oil & grease and floatables prior to discharging to the adjacent concrete channel. The other drain flows through an infiltration basin that then discharges to the adjacent channel. Several other infiltration basins and operational management measures are employed at the Facility. On information and belief, the drains discharge to a concrete channel that drains to two culverts that take the flow into a storm water basin before entering the San Sevaine Channel, and ultimately Reach 3 of the Santa Ana River.

The Regional Board has identified beneficial uses of the Santa Ana River and established water quality standards for it in the "Water Quality Control Plan for the Santa Ana River Basin (Region 8)," generally referred to as the Basin Plan. *See* http://www.swrcb.ca.gov/rwqcb8/water_issues/programs/basin_plan/index.shtml. The beneficial uses of these waters include, among others, agriculture, groundwater recharge, water contact recreation, non-contact water recreation, wildlife habitat, warm freshwater habitat, and rare, threatened or endangered species.

The non-contact water recreation use is defined as uses of water “for recreational activities involving proximity to water, but not normally involving contact with water where ingestion of water would be reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing and aesthetic enjoyment in conjunction with the above activities.” *Id.* at 3-3. Contact recreation use includes fishing and wading. *Id.*

For inland surface waters, the Basin Plan includes a narrative toxicity standard which states that “[t]oxic substances shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.” *Id.* at 4-17. The Basin Plan includes a narrative suspended and settleable solids standard which states that “Inland surface waters shall not contain suspended or settleable solids in amounts which cause a nuisance or adversely affect beneficial uses as a result of controllable water quality factors.” *Id.* at 4-16. The Basin Plan includes a narrative oil and grease standard which states that “[w]aste discharges shall not result in deposition of oil, grease, wax, or other material in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses.” *Id.* at 4-14. The Basin Plan provides that “[t]he pH of inland surface waters shall not be raised above 8.5 or depressed below 6.5...” *Id.* at 4-15. The Basin Plan has a narrative turbidity standard which states that “[a]ll inland surface waters of the region shall be free of changes in turbidity which adversely affect beneficial uses.” *Id.* at 4-18. The Basin Plan contains a narrative color standard which states that “[w]aste discharges shall not result in coloration of the receiving waters which causes a nuisance or adversely affect beneficial uses.” *Id.* at 4-10. The Basin Plan contains a narrative floatables standard which states that “[w]aste discharges shall not contain floating materials, including solids, liquids, foam or scum, which cause a nuisance or adversely affect beneficial uses.” *Id.* at 4-10. The Basin Plan contains a narrative taste and odor standard that states that “[t]he inland surface waters of the region shall not contain, as a result of controllable water quality factors, taste – or odor-producing substances at concentrations which cause a nuisance or adversely affect beneficial uses.” *Id.* at 4-17.

For waters with a designated beneficial use of contact recreation, the Basin Plan provides a water quality objective of a “log mean less than 200 organisms /100 mL based on five or more samples/30 day period, and not more than 10% of samples exceed 400 organisms/100 mL for any 30-day period.” *Id.* at 4-9. For waters with a designated beneficial use of non-contact recreation, the Basin Plan provides a water quality objective for fecal coliform of a “log mean less than 2000 organisms /100 mL based on five or more samples/30 day period, and not more than 10% of samples exceed 4000 organisms/100 mL for any 30-day period.” *Id.*

The Basin Plan provides that, for Reach 3 of the Santa Ana River, discharges “shall not cause the concentration of un-ionized ammonia (as nitrogen) to exceed 0.098 mg/L as a 4-day average.” *Id.* at 4-9.

For dissolved solids, the Basin Plan provides that “[t]he dissolved mineral content of the waters of the region, as measured by the total dissolved solids test ...shall not exceed the specific

objectives listed in Table 4-1 as a result of controllable water quality factors.” *Id.* at 4-11. For Reach 3 of the Santa Ana River, Table 4-1 provides a water quality objective (“WQO”) for Total Dissolved Solids (“TDS”) of 700 mg/L. For chemical oxygen demand (“COD”), the Basin Plan provides that “[w]aste discharges shall not result in increases in COD levels in inland surface waters which exceed the values shown in Table 4-1 or which adversely affect beneficial uses.” *Id.* at 4-9. For Reach 3 of the Santa Ana River, Table 4-1 provides a WQO for COD of 30 mg/L.

The Basin Plan provides site-specific objectives (“SSOs”) for copper and lead, in Reach 3 of the Santa Ana River. *Id.* at 4-12 - 4-13. For a water sample with 200 mg/L total hardness (as CaCO_3), the Basin Plan provides the following SSOs: copper – 0.018 mg/L; and lead – 0.0041 mg/L. *Id.* at 4-13.

The EPA has adopted numeric water quality standards for zinc of 0.120 mg/L (Freshwater Criteria Maximum Concentration – “CMC”), for copper of 0.013 mg/L, and for lead of 0.065 mg/L. 65 Fed. Reg. 31712 (May 18, 2000) (California Toxics Rule or “CTR”).¹

The EPA 303(d) List of Water Quality Limited Segments lists Reach 3 of the Santa Ana River as impaired for copper, lead, and pathogens. *See* http://www.waterboards.ca.gov/water_issues/programs/tmdl/2012state_ir_reports/category5_report.shtml.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”).² The following benchmarks have been established for pollutants discharged by West Valley MRF: pH – 6.0 - 9.0 standard units (“s.u.”); biochemical oxygen demand (“BOD”) – 30 mg/L; chemical oxygen demand (“COD”) – 120 mg/L; total suspended solids (“TSS”) – 100 mg/L; oil & grease (“O&G”) – 15 mg/L; nitrate + nitrite nitrogen (“N+N”) – 0.68 mg/L; phosphorus – 2.0 mg/L; aluminum – 0.75 mg/L; copper – 0.0636 mg/L; iron – 1.0 mg/L; lead – 0.0816 mg/L; magnesium – 0.0636 mg/L; and zinc – 0.117 mg/L.

These benchmarks are reflected in the 2015 Permit in the form of Numeric Action Levels (“NALs”). The 2015 Permit incorporates annual NALs, which reflect the 2008 EPA Multi-Sector General Permit benchmark values, and instantaneous maximum NALs, which are derived from a Water Board dataset. The following annual NALs have been established under the 2015 Permit: TSS – 100 mg/L; O&G – 15 mg/L; zinc – 0.26 mg/L; copper – 0.0332 mg/L; lead – 0.262 mg/L; COD – 120 mg/L; aluminum – 0.75 mg/L; iron – 1.0 mg/L; N+N – 0.68 mg/L; phosphorus – 2.0 mg/L; ammonia (as N) – 2.14 mg/L; magnesium – 0.064 mg/L; and BOD – 30 mg/L. The 2015

¹ The values for these metals are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 100 mg/L, which is the default listing in the California Toxics Rule.

² The Benchmark Values can be found at:
http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf.

Permit also establishes the following instantaneous maximum NALs: pH – 6.0-9.0 s.u.; TSS – 400 mg/L; and oil & grease (“O&G”) – 25 mg/L.

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit.

West Valley MRF has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the 1997 Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. The 2015 Permit includes the same effluent limitation. *See* 2015 Permit, Effluent Limitation V(A). BAT and BCT include both nonstructural and structural measures. 1997 Permit, Section A(8); 2015 Permit, Section X(H). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III(B) of the 2015 Permit prohibit the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the 1997 Permit and Discharge Prohibition III(C) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI(B) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that adversely impact human health or the environment. Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(A) and Discharge Prohibition III(D) of the 2015 Permit also prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(A) of the 2015 Permit. As a result, compliance with this provision is measured at the Facility’s discharge monitoring locations.

West Valley MRF has discharged and continues to discharge storm water with unacceptable levels of Aluminum, ammonia, BOD, copper, COD, E. Coli, iron, lead, magnesium, N+N, O&G, phosphorus, pH, TSS, and zinc in violation of the General Permit. Neither the two Vortechs System Model 3000 systems nor other storm water management practices employed by the Facility amount to BAT/BCT for these pollutants. West Valley MRF’s

sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the General Permit are deemed “conclusive evidence of an exceedance of a permit limitation.” *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained observations and measurements of pollutants in excess of applicable numerical and narrative water quality standards established in the Basin Plan. They have thus violated Discharge Prohibitions A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit, and Effluent Limitation V(A) of the 2015 Permit.

Date	Parameter	Observed Concentration/ Conditions	Basin Plan Water Quality Objective / CTR	Outfall (as identified by the Facility)
3/21/2018	Ammonia	1.1 mg/L	0.098 mg/L	MP2-Clarifier Test Point
3/21/2018	Ammonia	3.4 mg/L	0.098 mg/L	MP3-Compost Drain
1/8/2018	Ammonia	24 mg/L	0.098 mg/L	MP1-Southwest Drain
1/8/2018	Ammonia	4.4 mg/L	0.098 mg/L	MP2-Clarifier Test Point
1/8/2018	Ammonia	3.9 mg/L	0.098 mg/L	MP3-Compost Drain
1/9/2017	Ammonia	3.1 mg/L	0.098 mg/L	MP1-Southwest Drain
1/9/2017	Ammonia	1.2 mg/L	0.098 mg/L	MP2-Clarifier Test Point
1/9/2017	Ammonia	2.2 mg/L	0.098 mg/L	MP3-Compost Drain
1/5/2017	Ammonia	12 mg/L	0.098 mg/L	MP1-Southwest Drain
1/5/2017	Ammonia	1.2 mg/L	0.098 mg/L	MP2-Clarifier Test Point
1/5/2017	Ammonia	1.8 mg/L	0.098 mg/L	MP3-Compost Drain
12/22/2016	Ammonia	4.5 mg/L	0.098 mg/L	MP1-Southwest Drain
12/22/2016	Ammonia	0.89 mg/L	0.098 mg/L	MP2-Clarifier Test Point
12/22/2016	Ammonia	28 mg/L	0.098 mg/L	MP3-Compost Drain
12/16/2016	Ammonia	7.6 mg/L	0.098 mg/L	MP1-Southwest Drain
12/16/2016	Ammonia	1.1 mg/L	0.098 mg/L	MP2-Clarifier Test Point
12/16/2016	Ammonia	14 mg/L	0.098 mg/L	MP3-Compost Drain
3/7/2016	Ammonia	5.9 mg/L	0.098 mg/L	MP1-SW Drain
3/7/2016	Ammonia	0.8 mg/L	0.098 mg/L	MP2-Clarifier Test Point
1/5/2016	Ammonia	4.2 mg/L	0.098 mg/L	MP1-SW Drain
1/5/2016	Ammonia	0.51 mg/L	0.098 mg/L	MP2-Clarifier Test Point
12/22/2015	Ammonia	3.7 mg/L	0.098 mg/L	MP1-SW Drain
12/22/2015	Ammonia	1.3 mg/L	0.098 mg/L	MP2-Clarifier Test Point
9/15/2015	Ammonia	5.2 mg/L	0.098 mg/L	MP1-SW Drain
9/15/2015	Ammonia	0.71 mg/L	0.098 mg/L	MP2-Clarifier Test Point

2/23/2015	Ammonia	25 mg/L	0.098 mg/L	MP1-Southwest Drain
12/2/2014	Ammonia	8.4 mg/L	0.098 mg/L	MP1-Southwest Drain
12/2/2014	Ammonia	1.6 mg/L	0.098 mg/L	MP2-Clarifier Point
3/21/2018	Copper	0.15 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
3/21/2018	Copper	0.083 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP3-Compost Drain
1/8/2018	Copper	0.04 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-Southwest Drain
1/8/2018	Copper	0.49 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
1/8/2018	Copper	0.084 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP3-Compost Drain
1/9/2017	Copper	0.034 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-Southwest Drain
1/9/2017	Copper	0.054 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
1/9/2017	Copper	0.014 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP3-Compost Drain
1/5/2017	Copper	0.07 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-Southwest Drain
1/5/2017	Copper	0.25 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
1/5/2017	Copper	0.016 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP3-Compost Drain
12/22/2016	Copper	0.031 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-Southwest Drain
12/22/2016	Copper	0.017 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
12/22/2016	Copper	0.026 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP3-Compost Drain
12/16/2017	Copper	0.04 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-Southwest Drain
12/16/2017	Copper	0.093 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
12/16/2017	Copper	0.023 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP3-Compost Drain
3/7/2016	Copper	0.06 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-SW Drain
3/7/2016	Copper	0.11 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
1/5/2016	Copper	0.083 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-SW Drain

1/5/2016	Copper	0.054 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
12/22/2015	Copper	0.032 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-SW Drain
12/22/2015	Copper	0.26 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
9/15/2015	Copper	0.082 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-SW Drain
9/15/2015	Copper	0.11 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test Point
2/23/2015	Copper	0.078 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-Southwest Drain
12/2/2014	Copper	0.08 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP1-Southwest Drain
12/2/2014	Copper	0.27 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Point
10/29/2013	Copper	0.064 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	MP2-Clarifier Test
3/21/2018	COD	1700 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
3/21/2018	COD	1000 mg/L	30 mg/L (WQO)	MP3-Compost Drain
1/8/2018	COD	2300 mg/L	30 mg/L (WQO)	MP1-Southwest Drain
1/8/2018	COD	4900 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
1/8/2018	COD	1300 mg/L	30 mg/L (WQO)	MP3-Compost Drain
1/9/2017	COD	990 mg/L	30 mg/L (WQO)	MP1-Southwest Drain
1/9/2017	COD	1400 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
1/9/2017	COD	200 mg/L	30 mg/L (WQO)	MP3-Compost Drain
1/5/2017	COD	2100 mg/L	30 mg/L (WQO)	MP1-Southwest Drain
1/5/2017	COD	2900 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
1/5/2017	COD	260 mg/L	30 mg/L (WQO)	MP3-Compost Drain
12/22/2016	COD	840 mg/L	30 mg/L (WQO)	MP1-Southwest Drain
12/22/2016	COD	220 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
12/22/2016	COD	2300 mg/L	30 mg/L (WQO)	MP3-Compost Drain
12/16/2016	COD	1300 mg/L	30 mg/L (WQO)	MP1-Southwest Drain
12/16/2016	COD	920 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
12/16/2016	COD	1800 mg/L	30 mg/L (WQO)	MP3-Compost Drain
3/7/2016	COD	1000 mg/L	30 mg/L (WQO)	MP1-SW Drain
3/7/2016	COD	610 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
1/5/2016	COD	1400 mg/L	30 mg/L (WQO)	MP1-SW Drain
1/5/2016	COD	680 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
12/22/2015	COD	980 mg/L	30 mg/L (WQO)	MP1-SW Drain
12/22/2015	COD	2800 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point
9/15/2015	COD	980 mg/L	30 mg/L (WQO)	MP1-SW Drain
9/15/2015	COD	790 mg/L	30 mg/L (WQO)	MP2-Clarifier Test Point

2/23/2015	COD	1900 mg/L	30 mg/L (WQO)	MP1-Southwest Drain
12/2/2014	COD	1700 mg/L	30 mg/L (WQO)	MP1-Southwest Drain
12/2/2014	COD	2300 mg/L	30 mg/L (WQO)	MP2-Clarifier Point
2/28/2014	COD	120 mg/L	30 mg/L (WQO)	MP2-Clarifier Test
10/29/2013	COD	480 mg/L	30 mg/L (WQO)	MP2-Clarifier Test
3/21/2018	Lead	0.1 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	MP2-Clarifier Test Point
3/21/2018	Lead	0.021 mg/L	0.0041 mg/L (SSO)	MP3-Compost Drain
1/8/2018	Lead	21 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	MP1-Southwest Drain
1/8/2018	Lead	0.42 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	MP2-Clarifier Test Point
1/8/2018	Lead	0.018 mg/L	0.0041 mg/L (SSO)	MP3-Compost Drain
1/9/2017	Lead	0.015 mg/L	0.0041 mg/L (SSO)	MP1-Southwest Drain
1/9/2017	Lead	0.024 mg/L	0.0041 mg/L (SSO)	MP2-Clarifier Test Point
1/5/2017	Lead	0.034 mg/L	0.0041 mg/L (SSO)	MP1-Southwest Drain
1/5/2017	Lead	0.2 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	MP2-Clarifier Test Point
12/22/2016	Lead	0.012 mg/L	0.0041 mg/L (SSO)	MP1-Southwest Drain
12/22/2016	Lead	0.013 mg/L	0.0041 mg/L (SSO)	MP2-Clarifier Test Point
12/16/2016	Lead	0.024 mg/L	0.0041 mg/L (SSO)	MP1-Southwest Drain
12/16/2016	Lead	0.063 mg/L	0.0041 mg/L (SSO)	MP2-Clarifier Test Point
3/7/2016	Lead	0.053 mg/L	0.0041 mg/L (SSO)	MP1-SW Drain
3/7/2016	Lead	0.5 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	MP2-Clarifier Test Point
1/5/2016	Lead	0.055 mg/L	0.0041 mg/L (SSO)	MP1-SW Drain
1/5/2016	Lead	0.042 mg/L	0.0041 mg/L (SSO)	MP2-Clarifier Test Point
12/22/2015	Lead	0.014 mg/L	0.0041 mg/L (SSO)	MP1-SW Drain
12/22/2015	Lead	0.23 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	MP2-Clarifier Test Point
9/15/2015	Lead	0.062 mg/L	0.0041 mg/L (SSO)	MP1-SW Drain
9/15/2015	Lead	0.061 mg/L	0.0041 mg/L (SSO)	MP2-Clarifier Test Point
2/23/2015	Lead	0.067 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	MP1-Southwest Drain
12/2/2014	Lead	0.01 mg/L	0.0041 mg/L (SSO)	MP1-Southwest Drain
12/2/2014	Lead	0.19 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	MP2-Clarifier Point
10/29/2013	Lead	0.023 mg/L	0.0041 mg/L (SSO)	MP2-Clarifier Test
12/2/2014	pH	6.36	6.5-8.5	MP1-Southwest Drain
12/2/2014	pH	6.39	6.5-8.5	MP2-Clarifier Point
3/21/2018	TSS	2000 mg/L	700 mg/L (WQO)	MP2-Clarifier Test Point
1/8/2018	TSS	7500 mg/L	700 mg/L (WQO)	MP2-Clarifier Test Point
1/5/2017	TSS	2000 mg/L	700 mg/L (WQO)	MP2-Clarifier Test Point

1/5/2016	TSS	720 mg/L	700 mg/L (WQO)	MP2-Clarifier Test Point
12/22/2015	TSS	1700 mg/L	700 mg/L (WQO)	MP2-Clarifier Test Point
9/15/2015	TSS	890 mg/L	700 mg/L (WQO)	MP1-SW Drain
9/15/2015	TSS	920 mg/L	700 mg/L (WQO)	MP2-Clarifier Test Point
12/2/2014	TSS	1500 mg/L	700 mg/L (WQO)	MP2-Clarifier Point
10/29/2013	TSS	920 mg/L	700 mg/L (WQO)	MP2-Clarifier Test
3/21/2018	Zinc	1.2 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
3/21/2018	Zinc	0.32 mg/L	0.12 mg/L (CMC)	MP3-Compost Drain
1/8/2018	Zinc	4.4 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
1/8/2018	Zinc	0.66 mg/L	0.12 mg/L (CMC)	MP3-Compost Drain
1/9/2017	Zinc	0.19 mg/L	0.12 mg/L (CMC)	MP1-Southwest Drain
1/9/2017	Zinc	0.46 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
1/9/2017	Zinc	0.39 mg/L	0.12 mg/L (CMC)	MP3-Compost Drain
1/5/2017	Zinc	0.34 mg/L	0.12 mg/L (CMC)	MP1-Southwest Drain
1/5/2017	Zinc	2.1 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
12/22/2016	Zinc	0.14 mg/L	0.12 mg/L (CMC)	MP1-Southwest Drain
12/22/2016	Zinc	0.24 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
12/22/2016	Zinc	0.16 mg/L	0.12 mg/L (CMC)	MP3-Compost Drain
12/16/2016	Zinc	0.26 mg/L	0.12 mg/L (CMC)	MP1-Southwest Drain
12/16/2016	Zinc	0.64 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
12/16/2016	Zinc	0.21 mg/L	0.12 mg/L (CMC)	MP3-Compost Drain
3/7/2016	Zinc	0.27 mg/L	0.12 mg/L (CMC)	MP1-SW Drain
3/7/2016	Zinc	0.78 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
1/5/2016	Zinc	0.43 mg/L	0.12 mg/L (CMC)	MP1-SW Drain
1/5/2016	Zinc	0.5 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
12/22/2015	Zinc	0.13 mg/L	0.12 mg/L (CMC)	MP1-SW Drain
12/22/2015	Zinc	1.9 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
9/15/2015	Zinc	0.41 mg/L	0.12 mg/L (CMC)	MP1-SW Drain
9/15/2015	Zinc	0.75 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test Point
2/23/2015	Zinc	0.38 mg/L	0.12 mg/L (CMC)	MP1-Southwest Drain
12/2/2014	Zinc	0.26 mg/L	0.12 mg/L (CMC)	MP1-Southwest Drain
12/2/2014	Zinc	1.6 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Point
10/29/2013	Zinc	0.45 mg/L	0.12 mg/L (CMC)	MP2-Clarifier Test
3/21/2018	Fecal Coliform	800,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
3/21/2018	Fecal Coliform	130,000 MPN/100ml	200 MPN/100ml	MP3-Compost Drain
1/8/2018	Fecal Coliform	1,200,000 MPN/100ml	200 MPN/100ml	MP1-Southwest Drain
1/8/2018	Fecal Coliform	1,100,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
1/8/2018	Fecal Coliform	300,000 MPN/100ml	200 MPN/100ml	MP3-Compost Drain

1/9/2017	Fecal Coliform	5,000,000 MPN/100ml	200 MPN/100ml	MP1-Southwest Drain
1/9/2017	Fecal Coliform	9,000,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
1/9/2017	Fecal Coliform	60,000 MPN/100ml	200 MPN/100ml	MP3-Compost Drain
1/5/2017	Fecal Coliform	5,000,000 MPN/100ml	200 MPN/100ml	MP1-Southwest Drain
1/5/2017	Fecal Coliform	2,400,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
1/5/2017	Fecal Coliform	20,000 MPN/100ml	200 MPN/100ml	MP3-Compost Drain
12/16/2016	Fecal Coliform	>1,600,000 MPN/100ml	200 MPN/100ml	MP1-Southwest Drain
12/16/2016	Fecal Coliform	130,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
12/16/2016	Fecal Coliform	2,400,000 MPN/100ml	200 MPN/100ml	MP3-Compost Drain
3/7/2016	Fecal Coliform	3,000,000 MPN/100ml	200 MPN/100ml	MP1-SW Drain
3/7/2016	Fecal Coliform	16,000,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
1/5/2016	Fecal Coliform	16,000,000 MPN/100ml	200 MPN/100ml	MP1-SW Drain
1/5/2016	Fecal Coliform	5,000,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
12/22/2015	Fecal Coliform	8,000 MPN/100ml	200 MPN/100ml	MP1-SW Drain
12/22/2015	Fecal Coliform	500,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
9/15/2015	Fecal Coliform	5,000,000 MPN/100ml	200 MPN/100ml	MP1-SW Drain
9/15/2015	Fecal Coliform	1,300,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Test Point
12/2/2014	Fecal Coliform	>160,000 MPN/100ml	200 MPN/100ml	MP1-Southwest Drain
12/2/2014	Fecal Coliform	>160,000 MPN/100ml	200 MPN/100ml	MP2-Clarifier Point
3/21/2018	Narrative	Sewer Smell, Particles, Murky, Oil Sheen	Basin Plan at 4-10; Basin Plan at 4-14; Basin Plan at 4-16; Basin Plan at 4-17; Basin Plan at 4-18;	MP2-Clarifier Test Point

3/21/2018	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP3-Compost Drain
1/8/2018	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
1/8/2018	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
1/8/2018	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP3-Compost Drain
1/9/2017	Narrative	Particles, Light Murkiness	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
1/9/2017	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
1/9/2017	Narrative	Slight Leachate Odor, Particles, Light Murkiness	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-17; Basin Plan at 4-18	MP3-Compost Drain
1/5/2017	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
1/5/2017	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
1/5/2017	Narrative	Light Leachate Smell, Particles, Light Murkiness	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-17; Basin Plan at 4-18	MP3-Compost Drain
12/22/2016	Narrative	Particles, Light Murkiness	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
12/22/2016	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
12/22/2016	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16;	MP3-Compost Drain

		Light Leachate Smell	Basin Plan at 4-17; Basin Plan at 4-18	
12/16/2016	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
12/16/2016	Narrative	Particles, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
12/16/2016	Narrative	Particles, Murky, Light Leachate Smell	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-17; Basin Plan at 4-18	MP3-Compost Drain
3/7/2016	Narrative	Grass & Wood Chips, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
3/7/2016	Narrative	Grass & Wood Chips, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
3/7/2016	Narrative	Murky	Basin Plan at 4-10; Basin Plan at 4-18	MP3-Compost Drain
1/5/2016	Narrative	Leaves & Grass, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
1/5/2016	Narrative	Murky	Basin Plan at 4-10; Basin Plan at 4-18	MP2-Clarifier Test Point
1/5/2016	Narrative	Grass, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP3-Compost Drain
12/22/2015	Narrative	Murky	Basin Plan at 4-10; Basin Plan at 4-18	MP1-Southwest Drain
12/22/2015	Narrative	Rotten Egg Smell, Very Murky	Basin Plan at 4-10; Basin Plan at 4-17; Basin Plan at 4-18	MP2-Clarifier Test Point
12/22/2015	Narrative	Murky, Small Pieces of Wood	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP3-Compost Drain
9/15/2015	Narrative	Murky, Grass	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain

9/15/2015	Narrative	Small Pieces of Wood & Grass, Murky	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
9/15/2015	Narrative	Murky	Basin Plan at 4-10; Basin Plan at 4-18	MP3-Compost Drain
12/2/2014	Narrative	Murky With Particles	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
12/2/2014	Narrative	Murky With Particles	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
2/23/2015	Narrative	Murky With Particles	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
2/23/2015	Narrative	Murky With Particles	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
5/14/2015	Narrative	Murky With Compost Particles	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP1-Southwest Drain
5/14/2015	Narrative	Murky With Wood Particles	Basin Plan at 4-10; Basin Plan at 4-16; Basin Plan at 4-18	MP2-Clarifier Test Point
12/19/2013	Narrative	Murky Discharge	Basin Plan at 4-10; Basin Plan at 4-18	MP2-Clarifier Test Point
10/28/2013	Narrative	Murky Discharge	Basin Plan at 4-10; Basin Plan at 4-18	MP2-Clarifier Test Point

The information in the above table reflects data gathered from West Valley MRF's self-monitoring during the 2013-2014, 2014-2015 wet seasons and the 2015-2016, 2016-2017, and 2017-2018 reporting years. CCAEJ alleges that since at least May 4, 2013, and continuing through today, West Valley MRF has discharged storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- Ammonia (as N) – 0.098 mg/L (Basin Plan at 4-9)
- Copper – 0.0182 mg/L (SSO), 0.013 mg/L (CMC)
- COD – 30 mg/L (WQO)
- Lead – 0.0041 mg/L (SSO), 0.065 mg/L (CMC)
- pH – 6.5-8.5 (Basin Plan at 4-15)

- TSS – 700 mg/L (WQO)
- Zinc – 0.12 mg/L (CMC)
- Fecal Coliform - For waters with a designated beneficial use of contact recreation, the Basin Plan provides a water quality objective of a “log mean less than 200 organisms /100 mL based on five or more samples/30 day period, and not more than 10% of samples exceed 400 organisms/100 mL for any 30-day period.” For waters with a designated beneficial use of non-contact recreation, the Basin Plan provides a water quality objective of a “log mean less than 2000 organisms /100 mL based on five or more samples/30 day period, and not more than 10% of samples exceed 4000 organisms/100 mL for any 30-day period.” (Basin Plan at 4-9)
- Settleable Solids - Inland surface waters shall not contain suspended or settleable solids in amounts which cause a nuisance or adversely affect beneficial uses as a result of controllable water quality factors. (Basin Plan at 4-16)
- Odor - the inland surface waters of the region shall not contain, as a result of controllable water quality factors, taste – or odor-producing substances at concentrations which cause a nuisance or adversely affect beneficial uses. (Basin Plan at 4-17)
- Turbidity - All inland surface waters of the region shall be free of changes in turbidity which adversely affect beneficial uses. (Basin Plan at 4-18)
- Discoloration - Waste discharges shall not result in coloration of the receiving waters which causes a nuisance or adversely affect beneficial uses. (Basin Plan at 4-10)
- Floating Materials - Waste discharges shall not contain floating materials, including solids, liquids, foam or scum, which cause a nuisance or adversely affect beneficial uses. (Basin Plan at 4-10)
- Odor - The inland surface waters of the region shall not contain, as a result of controllable water quality factors, taste – or odor-producing substances at concentrations which cause a nuisance or adversely affect beneficial uses. (Basin Plan at 4-17)

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit.

Date	Parameter	Observed Concentration	EPA Benchmark Value /Annual NAL	Outfall (as identified by the Facility)
3/21/2018	Aluminum	15 mg/L	0.75 mg/L	MP2-Clarifier Test Point
3/21/2018	Aluminum	3.5 mg/L	0.75 mg/L	MP3-Compost Drain
1/8/2018	Aluminum	1.8 mg/L	0.75 mg/L	MP1-Southwest Drain
1/8/2018	Aluminum	42 mg/L	0.75 mg/L	MP2-Clarifier Test Point
1/8/2018	Aluminum	4 mg/L	0.75 mg/L	MP3-Compost Drain

2017-2018 Reporting Year	Aluminum	13.26 mg/L	0.75 mg/L	Annual Average – All Sample Points ³
1/9/2017	Aluminum	4.5 mg/L	0.75 mg/L	MP1-Southwest Drain
1/9/2017	Aluminum	4.3 mg/L	0.75 mg/L	MP2-Clarifier Test Point
1/9/2017	Aluminum	1.1 mg/L	0.75 mg/L	MP3-Compost Drain
1/5/2017	Aluminum	7.2 mg/L	0.75 mg/L	MP1-Southwest Drain
1/5/2017	Aluminum	24 mg/L	0.75 mg/L	MP2-Clarifier Test Point
1/5/2017	Aluminum	0.99 mg/L	0.75 mg/L	MP3-Compost Drain
12/22/2016	Aluminum	4.1 mg/L	0.75 mg/L	MP1-Southwest Drain
12/22/2016	Aluminum	1.2 mg/L	0.75 mg/L	MP2-Clarifier Test Point
12/22/2016	Aluminum	0.93 mg/L	0.75 mg/L	MP3-Compost Drain
12/16/2016	Aluminum	6.6 mg/L	0.75 mg/L	MP1-Southwest Drain
12/16/2016	Aluminum	7.7 mg/L	0.75 mg/L	MP2-Clarifier Test Point
12/16/2016	Aluminum	1.2 mg/L	0.75 mg/L	MP3-Compost Drain
2016-2017 Reporting Year	Aluminum	5.3 mg/L	0.75 mg/L	Annual Average – All Sample Points ⁴
3/7/2016	Aluminum	10 mg/L	0.75 mg/L	MP1-SW Drain
3/7/2016	Aluminum	12 mg/L	0.75 mg/L	MP2-Clarifier Test Point
1/5/2016	Aluminum	20 mg/L	0.75 mg/L	MP1-SW Drain
1/5/2016	Aluminum	6.2 mg/L	0.75 mg/L	MP2-Clarifier Test Point
12/22/2015	Aluminum	5 mg/L	0.75 mg/L	MP1-SW Drain
12/22/2015	Aluminum	25 mg/L	0.75 mg/L	MP2-Clarifier Test Point
9/15/2015	Aluminum	25 mg/L	0.75 mg/L	MP1-SW Drain
9/15/2015	Aluminum	6.9 mg/L	0.75 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	Aluminum	13.76 mg/L	0.75 mg/L	Annual Average – All Sample Points ⁵
2/23/2015	Aluminum	14 mg/L	0.75 mg/L	MP1-Southwest Drain
12/2/2014	Aluminum	1.4 mg/L	0.75 mg/L	MP1-Southwest Drain
12/2/2014	Aluminum	17 mg/L	0.75 mg/L	MP2-Clarifier Point
2/28/2014	Aluminum	1.2 mg/L	0.75 mg/L	MP2-Clarifier Test
10/29/013	Aluminum	5.7 mg/L	0.75 mg/L	MP2-Clarifier Test
3/21/2018	Ammonia (as N)	3.4 mg/L	2.14 mg/L (NAL)	MP3-Compost Drain

³ This value represents the average of all aluminum measurements from storm water discharges from the Facility during the 2017-2018 reporting year and is higher than 0.75 mg/L, the annual NAL for aluminum.

⁴ This value represents the average of all aluminum measurements from storm water discharges from the Facility during the 2016-2017 reporting year and is higher than 0.75 mg/L, the annual NAL for aluminum.

⁵ This value represents the average of all aluminum measurements from storm water discharges from the Facility during the 2015-2016 reporting year and is higher than 0.75 mg/L, the annual NAL for aluminum.

1/8/2018	Ammonia (as N)	24 mg/L	2.14 mg/L (NAL)	MP1-Southwest Drain
1/8/2018	Ammonia (as N)	4.4 mg/L	2.14 mg/L (NAL)	MP2-Clarifier Test Point
1/8/2018	Ammonia (as N)	3.9 mg/L	2.14 mg/L (NAL)	MP3-Compost Drain
2017-2018 Reporting Year	Ammonia (as N)	7.36 mg/L	2.14 mg/L (NAL)	Annual Average – All Sample Points ⁶
1/9/2017	Ammonia (as N)	3.1 mg/L	2.14 mg/L (NAL)	MP1-Southwest Drain
1/9/2017	Ammonia (as N)	2.2 mg/L	2.14 mg/L (NAL)	MP3-Compost Drain
12/22/2016	Ammonia (as N)	4.5 mg/L	2.14 mg/L (NAL)	MP1-Southwest Drain
12/22/2016	Ammonia (as N)	28 mg/L	2.14 mg/L (NAL)	MP3-Compost Drain
12/16/2016	Ammonia (as N)	7.6 mg/L	2.14 mg/L (NAL)	MP1-Southwest Drain
12/16/2016	Ammonia (as N)	14 mg/L	2.14 mg/L (NAL)	MP3-Compost Drain
2016-2017 Reporting Year	Ammonia (as N)	6.47 mg/L	2.14 mg/L (NAL)	Annual Average – All Sample Points ⁷
3/7/2016	Ammonia (as N)	5.9 mg/L	2.14 mg/L (NAL)	MP1-SW Drain
1/5/2016	Ammonia (as N)	4.2 mg/L	2.14 mg/L (NAL)	MP1-SW Drain
12/22/2015	Ammonia (as N)	3.7 mg/L	2.14 mg/L (NAL)	MP1-SW Drain
9/15/2015	Ammonia (as N)	5.2 mg/L	2.14 mg/L (NAL)	MP1-SW Drain
2/23/2015	Ammonia (as N)	25 mg/L	2.14 mg/L (NAL)	MP1-Southwest Drain
12/2/2014	Ammonia (as N)	8.4 mg/L	2.14 mg/L (NAL)	MP1-Southwest Drain
1/8/2018	BOD	1400 mg/L	30 mg/L	MP1-Southwest Drain
1/8/2018	BOD	3000 mg/L	30 mg/L	MP2-Clarifier Test Point

⁶ This value represents the average of all Ammonia (as N) measurements from storm water discharges from the Facility during the 2017-2018 reporting year and is higher than 2.14 mg/L, the annual NAL for Ammonia (as N).

⁷ This value represents the average of all Ammonia (as N) measurements from storm water discharges from the Facility during the 2016-2017 reporting year and is higher than 2.14 mg/L, the annual NAL for Ammonia (as N).

1/8/2018	BOD	330 mg/L	30 mg/L	MP3-Compost Drain
2017-2018 Reporting Year	BOD	1576.7 mg/L	30 mg/L	Annual Average – All Sample Points ⁸
1/9/2017	BOD	460 mg/L	30 mg/L	MP1-Southwest Drain
1/9/2017	BOD	450 mg/L	30 mg/L	MP2-Clarifier Test Point
1/5/2016	BOD	1100 mg/L	30 mg/L	MP1-Southwest Drain
1/5/2016	BOD	900 mg/L	30 mg/L	MP2-Clarifier Test Point
1/5/2016	BOD	43 mg/L	30 mg/L	MP3-Compost Drain
12/22/2016	BOD	470 mg/L	30 mg/L	MP1-Southwest Drain
12/22/2016	BOD	90 mg/L	30 mg/L	MP2-Clarifier Test Point
12/22/2016	BOD	1200 mg/L	30 mg/L	MP3-Compost Drain
12/16/2016	BOD	570 mg/L	30 mg/L	MP1-Southwest Drain
12/16/2016	BOD	290 mg/L	30 mg/L	MP2-Clarifier Test Point
12/16/2016	BOD	1500 mg/L	30 mg/L	MP3-Compost Drain
2016-2017 Reporting Year	BOD	591.9 mg/L	30 mg/L	Annual Average – All Sample Points ⁹
3/7/2016	BOD	350 mg/L	30 mg/L	MP1-SW Drain
3/7/2016	BOD	180 mg/L	30 mg/L	MP2-Clarifier Test Point
1/5/2016	BOD	450 mg/L	30 mg/L	MP1-SW Drain
1/5/2016	BOD	230 mg/L	30 mg/L	MP2-Clarifier Test Point
12/22/2015	BOD	400 mg/L	30 mg/L	MP1-SW Drain
12/22/2015	BOD	840 mg/L	30 mg/L	MP2-Clarifier Test Point
9/15/2015	BOD	240 mg/L	30 mg/L	MP1-SW Drain
9/15/2015	BOD	370 mg/L	30 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	BOD	383 mg/L	30 mg/L	Annual Average – All Sample Points ¹⁰
2/23/2015	BOD	840 mg/L	30 mg/L	MP1-Southwest Drain
12/2/2014	BOD	750 mg/L	30 mg/L	MP1-Southwest Drain
12/2/2014	BOD	730 mg/L	30 mg/L	MP2-Clarifier Point
3/21/2018	COD	1700 mg/L	120 mg/L	MP2-Clarifier Test Point
3/21/2018	COD	1000 mg/L	120 mg/L	MP3-Compost Drain
1/8/2018	COD	2300 mg/L	120 mg/L	MP1-Southwest Drain
1/8/2018	COD	4900 mg/L	120 mg/L	MP2-Clarifier Test Point

⁸ This value represents the average of all BOD measurements from storm water discharges from the Facility during the 2017-2018 reporting year and is higher than 30 mg/L, the annual NAL for BOD.

⁹ This value represents the average of all BOD measurements from storm water discharges from the Facility during the 2016-2017 reporting year and is higher than 30 mg/L, the annual NAL for BOD.

¹⁰ This value represents the average of all BOD measurements from storm water discharges from the Facility during the 2015-2016 reporting year and is higher than 30 mg/L, the annual NAL for BOD.

1/8/2018	COD	1300 mg/L	120 mg/L	MP3-Compost Drain
2017-2018 Reporting Year	COD	2240 mg/L	120 mg/L	Annual Average – All Sample Points ¹¹
1/9/2017	COD	990 mg/L	120 mg/L	MP1-Southwest Drain
1/9/2017	COD	1400 mg/L	120 mg/L	MP2-Clarifier Test Point
1/9/2017	COD	200 mg/L	120 mg/L	MP3-Compost Drain
1/5/2017	COD	2100 mg/L	120 mg/L	MP1-Southwest Drain
1/5/2017	COD	2900 mg/L	120 mg/L	MP2-Clarifier Test Point
1/5/2017	COD	260 mg/L	120 mg/L	MP3-Compost Drain
12/22/2016	COD	840 mg/L	120 mg/L	MP1-Southwest Drain
12/22/2016	COD	220 mg/L	120 mg/L	MP2-Clarifier Test Point
12/22/2016	COD	2300 mg/L	120 mg/L	MP3-Compost Drain
12/16/2016	COD	1300 mg/L	120 mg/L	MP1-Southwest Drain
12/16/2016	COD	920 mg/L	120 mg/L	MP2-Clarifier Test Point
12/16/2016	COD	1800 mg/L	120 mg/L	MP3-Compost Drain
2016-2017 Reporting Year	COD	1269 mg/L	120 mg/L	Annual Average – All Sample Points ¹²
3/7/2016	COD	1000 mg/L	120 mg/L	MP1-SW Drain
3/7/2016	COD	610 mg/L	120 mg/L	MP2-Clarifier Test Point
1/5/2016	COD	1400 mg/L	120 mg/L	MP1-SW Drain
1/5/2016	COD	680 mg/L	120 mg/L	MP2-Clarifier Test Point
12/22/2015	COD	980 mg/L	120 mg/L	MP1-SW Drain
12/22/2015	COD	2800 mg/L	120 mg/L	MP2-Clarifier Test Point
9/15/2015	COD	980 mg/L	120 mg/L	MP1-SW Drain
9/15/2015	COD	790 mg/L	120 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	COD	1155 mg/l	120 mg/L	Annual Average – All Sample Points ¹³
2/23/2015	COD	1900 mg/L	120 mg/L	MP1-Southwest Drain
12/2/2014	COD	1700 mg/L	120 mg/L	MP1-Southwest Drain
12/2/2014	COD	2300 mg/L	120 mg/L	MP2-Clarifier Point
10/29/2013	COD	480 mg/L	120 mg/L	MP2-Clarifier Test
3/21/2018	Copper	0.15 mg/L	0.0332 mg/L	MP2-Clarifier Test Point
3/21/2018	Copper	0.082 mg/L	0.0332 mg/L	MP3-Compost Drain

¹¹ This value represents the average of all COD measurements from storm water discharges from the Facility during the 2017-2018 reporting year and is higher than 120 mg/L, the annual NAL for COD.

¹² This value represents the average of all COD measurements from storm water discharges from the Facility during the 2016-2017 reporting year and is higher than 120 mg/L, the annual NAL for COD.

¹³ This value represents the average of all COD measurements from storm water discharges from the Facility during the 2015-2016 reporting year and is higher than 120 mg/L, the annual NAL for COD.

1/8/2018	Copper	0.04 mg/L	0.0332 mg/L	MP1-Southwest Drain
1/8/2018	Copper	0.49 mg/L	0.0332 mg/L	MP2-Clarifier Test Point
1/8/2018	Copper	0.084 mg/L	0.0332 mg/L	MP3-Compost Drain
2017-2018 Reporting Year	Copper	0.169 mg/L	0.0332 mg/L	Annual Average – All Sample Points ¹⁴
1/9/2017	Copper	0.034 mg/L	0.0332 mg/L	MP1-Southwest Drain
1/9/2017	Copper	0.054 mg/L	0.0332 mg/L	MP2-Clarifier Test Point
1/5/2017	Copper	0.07 mg/L	0.0332 mg/L	MP1-Southwest Drain
1/5/2017	Copper	0.25 mg/L	0.0332 mg/L	MP2-Clarifier Test Point
12/16/2016	Copper	0.04 mg/L	0.0332 mg/L	MP1-Southwest Drain
12/16/2016	Copper	0.093 mg/L	0.0332 mg/L	MP2-Clarifier Test Point
2016-2017 Reporting Year	Copper	0.056 mg/L	0.0332 mg/L	Annual Average – All Sample Points ¹⁵
3/7/2016	Copper	0.06 mg/L	0.0332 mg/L	MP1-SW Drain
3/7/2016	Copper	0.11 mg/L	0.0332 mg/L	MP2-Clarifier Test Point
1/5/2016	Copper	0.083 mg/L	0.0332 mg/L	MP1-SW Drain
1/5/2016	Copper	0.054 mg/L	0.0332 mg/L	MP2-Clarifier Test Point
9/15/2015	Copper	0.082 mg/L	0.0332 mg/L	MP1-SW Drain
9/15/2015	Copper	0.11 mg/L	0.0332 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	Copper	0.99 mg/L	0.0332 mg/L	Annual Average – All Sample Points ¹⁶
2/23/2015	Copper	0.078 mg/L	0.0332 mg/L	MP1-Southwest Drain
12/2/2014	Copper	0.08 mg/L	0.0332 mg/L	MP1-Southwest Drain
12/2/2014	Copper	0.27 mg/L	0.0332 mg/L	MP2-Clarifier Point
10/29/2013	Copper	0.064 mg/L	0.0332 mg/L	MP2-Clarifier Test
3/21/2018	Iron	24	1.0 mg/L	MP2-Clarifier Test Point
3/21/2018	Iron	5.5	1.0 mg/L	MP3-Compost Drain
1/8/2018	Iron	8.2 mg/L	1.0 mg/L	MP1-Southwest Drain
1/8/2018	Iron	65 mg/L	1.0 mg/L	MP2-Clarifier Test Point
1/8/2018	Iron	6.2 mg/L	1.0 mg/L	MP3-Compost Drain
2017-2018 Reporting Year	Iron	21.78 mg/L	1.0 mg/L	Annual Average – All Sample Points ¹⁷

¹⁴ This value represents the average of all copper measurements from storm water discharges from the Facility during the 2017-2018 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.

¹⁵ This value represents the average of all Copper measurements from storm water discharges from the Facility during the 2016-2017 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.

¹⁶ This value represents the average of all Copper measurements from storm water discharges from the Facility during the 2015-2016 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.

¹⁷ This value represents the average of all iron measurements from storm water discharges from

1/9/2017	Iron	6.3 mg/L	1.0 mg/L	MP1-Southwest Drain
1/9/2017	Iron	6.3 mg/L	1.0 mg/L	MP2-Clarifier Test Point
1/9/2017	Iron	1.6 mg/L	1.0 mg/L	MP3-Compost Drain
1/5/2016	Iron	11 mg/L	1.0 mg/L	MP1-Southwest Drain
1/5/2016	Iron	40 mg/L	1.0 mg/L	MP2-Clarifier Test Point
1/5/2016	Iron	1.5 mg/L	1.0 mg/L	MP3-Compost Drain
12/22/2016	Iron	5.8 mg/L	1.0 mg/L	MP1-Southwest Drain
12/22/2016	Iron	1.9 mg/L	1.0 mg/L	MP2-Clarifier Test Point
12/22/2016	Iron	2.7 mg/L	1.0 mg/L	MP3-Compost Drain
12/16/2016	Iron	8.4 mg/L	1.0 mg/L	MP1-Southwest Drain
12/16/2016	Iron	12 mg/L	1.0 mg/L	MP2-Clarifier Test Point
12/16/2016	Iron	2.1 mg/L	1.0 mg/L	MP3-Compost Drain
2016-2017 Reporting Year	Iron	8.3 mg/L	1.0 mg/L	Annual Average – All Sample Points ¹⁸
3/7/2016	Iron	13 mg/L	1.0 mg/L	MP1-SW Drain
3/7/2016	Iron	15 mg/L	1.0 mg/L	MP2-Clarifier Test Point
1/5/2016	Iron	25 mg/L	1.0 mg/L	MP1-SW Drain
1/5/2016	Iron	8.7 mg/L	1.0 mg/L	MP2-Clarifier Test Point
12/22/2015	Iron	7.7 mg/L	1.0 mg/L	MP1-SW Drain
12/22/2015	Iron	39 mg/L	1.0 mg/L	MP2-Clarifier Test Point
9/15/2015	Iron	11 mg/L	1.0 mg/L	MP1-SW Drain
9/15/2015	Iron	11 mg/L	1.0 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	Iron	16.3 mg/L	1.0 mg/L	Annual Average – All Sample Points ¹⁹
2/23/2015	Iron	17 mg/L	1.0 mg/L	MP1-Southwest Drain
12/2/2014	Iron	2.7 mg/L	1.0 mg/L	MP1-Southwest Drain
12/2/2014	Iron	27 mg/L	1.0 mg/L	MP2-Clarifier Point
2/28/2014	Iron	1.7 mg/L	1.0 mg/L	MP2-Clarifier Test
10/29/2013	Iron	9 mg/L	1.0 mg/L	MP2-Clarifier Test
1/8/2018	Lead	21 mg/L	0.262 mg/L	MP1-Southwest Drain
1/8/2018	Lead	0.42 mg/L	0.262 mg/L	MP2-Clarifier Test Point
2017-2018 Reporting Year	Lead	4.31 mg/L	0.262 mg/L	Annual Average – All Sample Points ²⁰

the Facility during the 2017-2018 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.

¹⁸ This value represents the average of all iron measurements from storm water discharges from the Facility during the 2016-2017 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.

¹⁹ This value represents the average of all iron measurements from storm water discharges from the Facility during the 2015-2016 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.

²⁰ This value represents the average of all lead measurements from storm water discharges from

3/21/2018	Magnesium	12 mg/L	0.064 mg/L	MP2-Clarifier Test Point
3/21/2018	Magnesium	7.2 mg/L	0.064 mg/L	MP3-Compost Drain
1/8/2018	Magnesium	59 mg/L	0.064 mg/L	MP1-Southwest Drain
1/8/2018	Magnesium	43 mg/L	0.064 mg/L	MP2-Clarifier Test Point
1/8/2018	Magnesium	13 mg/L	0.064 mg/L	MP3-Compost Drain
2017-2018 Reporting Year	Magnesium	26.84 mg/L	0.064 mg/L	Annual Average – All Sample Points ²¹
1/9/2017	Magnesium	17 mg/L	0.064 mg/L	MP1-Southwest Drain
1/9/2017	Magnesium	18 mg/L	0.064 mg/L	MP2-Clarifier Test Point
1/9/2017	Magnesium	2.4 mg/L	0.064 mg/L	MP3-Compost Drain
1/5/2017	Magnesium	39 mg/L	0.064 mg/L	MP1-Southwest Drain
1/5/2017	Magnesium	17 mg/L	0.064 mg/L	MP2-Clarifier Test Point
1/5/2017	Magnesium	3 mg/L	0.064 mg/L	MP3-Compost Drain
12/22/2016	Magnesium	16 mg/L	0.064 mg/L	MP1-Southwest Drain
12/22/2016	Magnesium	2.9 mg/L	0.064 mg/L	MP2-Clarifier Test Point
12/22/2016	Magnesium	39 mg/L	0.064 mg/L	MP3-Compost Drain
12/16/2016	Magnesium	23 mg/L	0.064 mg/L	MP1-Southwest Drain
12/16/2016	Magnesium	9.9 mg/L	0.064 mg/L	MP2-Clarifier Test Point
12/16/2016	Magnesium	28 mg/L	0.064 mg/L	MP3-Compost Drain
2016-2017 Reporting Year	Magnesium	17.93 mg/L	0.064 mg/L	Annual Average – All Sample Points ²²
3/7/2016	Magnesium	18 mg/L	0.064 mg/L	MP1-SW Drain
3/7/2016	Magnesium	11 mg/L	0.064 mg/L	MP2-Clarifier Test Point
1/5/2016	Magnesium	23 mg/L	0.064 mg/L	MP1-SW Drain
1/5/2016	Magnesium	4.8 mg/L	0.064 mg/L	MP2-Clarifier Test Point
12/22/2015	Magnesium	20 mg/L	0.064 mg/L	MP1-SW Drain
12/22/2015	Magnesium	22 mg/L	0.064 mg/L	MP2-Clarifier Test Point
9/15/2015	Magnesium	25 mg/L	0.064 mg/L	MP1-SW Drain
9/15/2015	Magnesium	5.9 mg/L	0.064 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	Magnesium	16.2 mg/L	0.064 mg/L	Annual Average – All Sample Points ²³

the Facility during the 2017-2018 reporting year and is higher than 0.262 mg/L, the annual NAL for lead.

²¹ This value represents the average of all magnesium measurements from storm water discharges from the Facility during the 2017-2018 reporting year and is higher than 0.064 mg/L, the annual NAL for magnesium.

²² This value represents the average of all magnesium measurements from storm water discharges from the Facility during the 2016-2017 reporting year and is higher than 0.064 mg/L, the annual NAL for magnesium.

²³ This value represents the average of all magnesium measurements from storm water discharges from the Facility during the 2015-2016 reporting year and is higher than 0.064 mg/L, the annual NAL for magnesium.

2/23/2015	Magnesium	33 mg/L	0.064 mg/L	MP1-Southwest Drain
12/2/2014	Magnesium	34 mg/L	0.064 mg/L	MP1-Southwest Drain
12/2/2014	Magnesium	13 mg/L	0.064 mg/L	MP2-Clarifier Point
1/8/2018	N+N	2.5 mg/L	0.68 mg/L	MP2-Clarifier Test Point
1/8/2018	N+N	1.4 mg/L	0.68 mg/L	MP3-Compost Drain
2017-2018 Reporting Year	N+N	1.07 mg/L	0.68 mg/L	Annual Average – All Sample Points ²⁴
1/9/2017	N+N	1.09 mg/L	0.68 mg/L	MP1-Southwest Drain
1/5/2016	N+N	1.6 mg/L	0.68 mg/L	MP1-SW Drain
12/22/2015	N+N	0.88 mg/L	0.68 mg/L	MP1-SW Drain
9/15/2015	N+N	1.3 mg/L	0.68 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	N+N	0.817 mg/L	0.68 mg/L	Annual Average – MP1- SW Drain ²⁵
3/21/2018	O&G	26 mg/L	25 mg/L	MP2-Clarifier Test Point
1/8/2018	O&G	42 mg/L	25 mg/L	MP2-Clarifier Test Point
2017-2018 Reporting Year	O&G	17.16 mg/L	15 mg/L	Annual Average - MP2- Clarifier Test Point ²⁶
1/9/2017	O&G	51 mg/L	25 mg/L	MP2-Clarifier Test Point
1/5/2017	O&G	49 mg/L	25 mg/L	MP2-Clarifier Test Point
2016-2017 Reporting Year	O&G	31.4 mg/L	15 mg/L	Annual Average - MP2- Clarifier Test Point ²⁷
12/2/2014	O&G	34 mg/L	15 mg/L	MP2-Clarifier
3/21/2018	Phosphorus	4.4 mg/L	2.0 mg/L	MP2-Clarifier Test Point
3/21/2018	Phosphorus	5.6 mg/L	2.0 mg/L	MP3-Compost Drain
1/8/2018	Phosphorus	11 mg/L	2.0 mg/L	MP2-Clarifier Test Point
1/8/2018	Phosphorus	8.9 mg/L	2.0 mg/L	MP3-Compost Drain
2017-2018 Reporting Year	Phosphorus	5.98 mg/L	2.0 mg/L	Annual Average – All Sample Points ²⁸

²⁴ This value represents the average of all N+N measurements from storm water discharges from the Facility during the 2017-2018 reporting year and is higher than 0.68 mg/L, the annual NAL for N+N.

²⁵ This value is represents the average of all N+N measurements taken at the MP1-SW Drain sample location during the 2015-2016 reporting year and is higher than 0.68 mg/L, the annual NAL for N+N.

²⁶ This value is represents the average of all O&G measurements taken at the MP2-Clarifier Test Point sample location during the 2017-2018 reporting year and is higher than 15 mg/L, the annual NAL for O&G.

²⁷ This value is represents the average of all O&G measurements taken at the MP2-Clarifier Test Point sample location during the 2016-2017 reporting year and is higher than 15 mg/L, the annual NAL for O&G.

²⁸ This value is represents the average of all phosphorus measurements taken at all sample points during the 2017-2018 reporting year and is higher than 2.0 mg/L, the annual NAL for

1/9/2017	Phosphorus	9.7 mg/L	2.0 mg/L	MP1-Southwest Drain
1/9/2017	Phosphorus	7.8 mg/L	2.0 mg/L	MP2-Clarifier Test Point
1/5/2017	Phosphorus	18 mg/L	2.0 mg/L	MP1-Southwest Drain
1/5/2017	Phosphorus	9.6 mg/L	2.0 mg/L	MP2-Clarifier Test Point
1/5/2017	Phosphorus	2.7 mg/L	2.0 mg/L	MP3-Compost Drain
12/22/2017	Phosphorus	7 mg/L	2.0 mg/L	MP1-Southwest Drain
12/22/2017	Phosphorus	16 mg/L	2.0 mg/L	MP3-Compost Drain
12/16/2017	Phosphorus	11 mg/L	2.0 mg/L	MP1-Southwest Drain
12/16/2017	Phosphorus	4 mg/L	2.0 mg/L	MP2-Clarifier Test Point
12/16/2017	Phosphorus	15 mg/L	2.0 mg/L	MP3-Compost Drain
2016-2017 Reporting Year	Phosphorus	9.23 mg/L	2.0 mg/L	Annual Average – All Sample Points ²⁹
3/7/2016	Phosphorus	7.4 mg/L	2.0 mg/L	MP1-SW Drain
1/5/2016	Phosphorus	9 mg/L	2.0 mg/L	MP1-SW Drain
1/5/2016	Phosphorus	2 mg/L	2.0 mg/L	MP2-Clarifier Test Point
12/22/2015	Phosphorus	7.1 mg/L	2.0 mg/L	MP1-SW Drain
12/22/2015	Phosphorus	9 mg/L	2.0 mg/L	MP2-Clarifier Test Point
9/15/2015	Phosphorus	7.2 mg/L	2.0 mg/L	MP1-SW Drain
2015-2016 Reporting Year	Phosphorus	5.63 mg/L	2.0 mg/L	Annual Average – All Sample Points ³⁰
3/21/2018	TSS	2000 mg/L	400 mg/L	MP2-Clarifier Test Point
3/21/2018	TSS	510 mg/L	400 mg/L	MP3-Compost Drain
1/8/2018	TSS	7500 mg/L	400 mg/L	MP2-Clarifier Test Point
2017-2018 Reporting Year	TSS	2132 mg/L	100 mg/L	Annual Average – All Sample Points ³¹
1/5/2017	TSS	2000 mg/L	400 mg/L	MP2-Clarifier Test Point
12/16/2016	TSS	690 mg/L	400 mg/L	MP2-Clarifier Test Point
2016-2017 Reporting Year	TSS	385.8 mg/L	100 mg/L	Annual Average – All Sample Points ³²
3/7/2016	TSS	460 mg/L	400 mg/L	MP1-SW Drain
3/7/2016	TSS	470 mg/L	400 mg/L	MP2-Clarifier Test Point

phosphorus.

²⁹ This value is represents the average of all phosphorus measurements taken at all sample points during the 2016-2017 reporting year and is higher than 2.0 mg/L, the annual NAL for phosphorus.

³⁰ This value is represents the average of all phosphorus measurements taken at all sample points during the 2015-2016 reporting year and is higher than 2.0 mg/L, the annual NAL for phosphorus.

³¹ This value is represents the average of all TSS measurements taken at all sample points during the 2017-2018 reporting year and is higher than 100 mg/L, the annual NAL for TSS.

³² This value is represents the average of all TSS measurements taken at all sample points during the 2016-2017 reporting year and is higher than 100 mg/L, the annual NAL for TSS.

1/5/2016	TSS	760 mg/L	400 mg/L	MP1-SW Drain
1/5/2016	TSS	720 mg/L	400 mg/L	MP2-Clarifier Test Point
12/22/2015	TSS	1700 mg/L	400 mg/L	MP2-Clarifier Test Point
9/15/2015	TSS	890 mg/L	400 mg/L	MP1-SW Drain
9/15/2015	TSS	920 mg/L	400 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	TSS	763.8 mg/L	100 mg/L	Annual Average – All Sample Points ³³
2/23/2015	TSS	570 mg/L	100 mg/L	MP1-Southwest Drain
12/2/2014	TSS	140 mg/L	100 mg/L	MP1-Southwest Drain
12/2/2014	TSS	1500 mg/L	100 mg/L	MP2-Clarifier Point
10/29/2013	TSS	920 mg/L	100 mg/L	MP2-Clarifier Test
3/21/2018	Zinc	1.2 mg/L	0.26 mg/L	MP2-Clarifier Test Point
3/21/2018	Zinc	0.32 mg/L	0.26 mg/L	MP3-Compost Drain
1/8/2018	Zinc	4.4 mg/L	0.26 mg/L	MP2-Clarifier Test Point
1/8/2018	Zinc	0.66 mg/L	0.26 mg/L	MP3-Compost Drain
2017-2018 Reporting Year	Zinc	1.34 mg/L	0.26 mg/L	Annual Average – All Sample Points ³⁴
1/9/2017	Zinc	0.46 mg/L	0.26 mg/L	MP2-Clarifier Test Point
1/9/2017	Zinc	0.39 mg/L	0.26 mg/L	MP3-Compost Drain
1/5/2017	Zinc	0.34 mg/L	0.26 mg/L	
1/5/2017	Zinc	2.1 mg/L	0.26 mg/L	MP2-Clarifier Test Point
12/16/2016	Zinc	0.64 mg/L	0.26 mg/L	MP2-Clarifier Test Point
2016-2017 Reporting Year	Zinc	0.44 mg/L	0.26 mg/L	Annual Average – All Sample Points ³⁵
3/7/2016	Zinc	0.27 mg/L	0.26 mg/L	MP1-SW Drain
3/7/2016	Zinc	0.78 mg/L	0.26 mg/L	MP2-Clarifier Test Point
1/5/2016	Zinc	0.43 mg/L	0.26 mg/L	MP1-SW Drain
1/5/2016	Zinc	0.5 mg/L	0.26 mg/L	MP2-Clarifier Test Point
12/22/2015	Zinc	1.9 mg/L	0.26 mg/L	MP2-Clarifier Test Point
9/15/2015	Zinc	0.41 mg/L	0.26 mg/L	MP1-SW Drain
9/15/2015	Zinc	0.75 mg/L	0.26 mg/L	MP2-Clarifier Test Point
2015-2016 Reporting Year	Zinc	0.65 mg/L	0.26 mg/L	Annual Average – All Sample Points ³⁶
2/23/2015	Zinc	0.38 mg/L	0.26 mg/L	MP1-Southwest Drain

³³ This value is represents the average of all TSS measurements taken at all sample points during the 2015-2016 reporting year and is higher than 100 mg/L, the annual NAL for TSS.

³⁴ This value is represents the average of all zinc measurements taken at all sample points during the 2017-2018 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.

³⁵ This value is represents the average of all zinc measurements taken at all sample points during the 2016-2017 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.

³⁶ This value is represents the average of all zinc measurements taken at all sample points during the 2015-2016 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.

12/2/2014	Zinc	1.6 mg/L	0.26 mg/L	MP2-Clarifier Point
10/29/2013	Zinc	0.45 mg/L	0.26 mg/L	MP2-Clarifier Test

The information in the above table reflects data gathered from West Valley MRF's self-monitoring during the 2013-2014, 2014-2015 wet seasons and the 2015-2016, 2016-2017, and 2017-2018 reporting years. CCAEJ notes that West Valley MRF's sampling results from the 2015-2016 reporting year placed the Facility in Level 1 Status pursuant to the General Permit for TSS, magnesium, ammonia, phosphorus, BOD, COD, iron, aluminum, copper, and zinc. Because the Facility's discharges of TSS, magnesium, ammonia, phosphorus, BOD, COD, iron, aluminum, copper, and zinc have not been meaningfully reduced as a result of the Facility's Level 1 Status Report, as of July 1, 2017, the Facility is now in Level 2 Status. In addition, West Valley MRF's sampling results from the 2016-2017 reporting year placed the Facility in Level 1 Status pursuant to the General Permit for Oil & Grease. CCAEJ alleges that since at least May 4, 2013, West Valley MRF has discharged storm water contaminated with pollutants at levels that exceed the applicable EPA Benchmarks and NALs for aluminum, ammonia (as N), BOD, COD, copper, iron, lead, magnesium, N+N, O&G, phosphorus, TSS, and zinc.

CCAIEJ's investigation, including its review of West Valley MRF's Storm Water Pollution Prevention Plan ("SWPPP") and West Valley MRF's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable EPA benchmark values and NALs, indicates that West Valley MRF has not implemented BAT and BCT at the Facility for its discharges of TSS, magnesium, ammonia, phosphorus, BOD, COD, iron, aluminum, copper, zinc, and potentially other pollutants, in violation of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit. West Valley MRF was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, West Valley MRF is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit. CCAEJ alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since May 4, 2013, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCAEJ alleges that West Valley MRF has discharged storm water containing impermissible and unauthorized levels of TSS, magnesium, ammonia, phosphorus, BOD, COD, iron, aluminum, copper, and zinc in violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; and Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit.³⁷

³⁷ The rain dates on the attached table are all the days when 0.1 inches or more of rain was

Further, CCAEJ puts West Valley MRF on notice that 2015 Permit Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) are each separate, independent requirements with which West Valley MRF must comply, and that carrying out the iterative process triggered by exceedances of the NALs listed at Table 2 of the 2015 Permit does not amount to compliance with the 2015 Permit's Effluent Limitations, including West Valley MRF's obligation to have installed BAT and BCT at the Facility. While exceedances of the NALs demonstrate that a facility is among the worst performing facilities in the State and are evidence of the Facility's failure to implement BAT and BCT, the NALs are not effluent limitations that by themselves determine whether an industrial facility has implemented BMPs that achieve BAT/BCT.³⁸ Finally, even though in November 2016 and December 2017 West Valley MRF submitted an Exceedance Response Action Level 1 Report pursuant to Section XII of the 2015 Permit, the violations of Effluent Limitation V(A) described in this Notice Letter are ongoing.

The above-described unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of TSS, magnesium, ammonia, phosphorus, BOD, COD, iron, aluminum, copper, and zinc and storm water associated with industrial activity in violation of Section 301(a) of the CWA. Each day that the Facility operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, West Valley MRF is subject to penalties for violations of the General Permit and the Act since May 4, 2013.

B. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan

Under the General Permit, the State Board has designated the SWPPP as the cornerstone of compliance with NPDES requirements for storm water discharges from industrial facilities, and ensuring that operators meet effluent and receiving water limitations. Section A(1) and Provision E(2) of the 1997 Permit require dischargers to develop and implement a SWPPP prior to beginning industrial activities that meet all of the requirements of the 1997 Permit. The

observed from a weather station maintained by the University of California Riverside – DWR Southern District near the U.C. Riverside Agricultural Operations Department area in Riverside, California, located approximately 17 miles away from the Facility. The data was downloaded via http://ipm.ucanr.edu/calludt.cgi/WXDESCRIPTION?STN=UC_RIVER.A (Last accessed on May 2, 2018).

³⁸ “The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives. NAL exceedances defined in [the 2015] Permit are not, in and of themselves, violations of [the 2015] Permit.” 2015 Permit, Finding 63, p. 11. The NALs do, however, trigger evaluation and reporting requirements. *See* 2015 Permit, Section XII.

objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-stormwater discharges from the facility, and to implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-stormwater discharges. *See* 1997 Permit § A(2); 2015 Permit § X(C). These BMPs must achieve compliance with the General Permit's effluent limitations and receiving water limitations. To ensure compliance with the General Permit, the SWPPP must be evaluated and revised as necessary. 1997 Permit §§ A(9), (10); 2015 Permit § X(B). Failure to develop or implement an adequate SWPPP, or update or revise an existing SWPPP as required, is a violation of the General Permit. 2015 Permit Factsheet § I(1).

Sections A(3)-A(10) of the 1997 Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map; a list of significant materials handled and stored at the site; a description of potential pollutant sources; an assessment of potential pollutant sources; and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-stormwater discharges, including structural BMPs where non-structural BMPs are not effective. Sections X(D)–X(I) of the 2015 Permit set forth essentially the same SWPPP requirements as the 1997 Permit, except that all dischargers are now required to develop and implement a set of minimum BMPs, as well as any advanced BMPs as necessary to achieve BAT/BCT, which serve as the basis for compliance with the 2015 Permit's technology-based effluent limitations. *See* 2015 Permit § X(H). The 2015 Permit further requires a more comprehensive assessment of potential pollutant sources than the 1997 Permit; more specific BMP descriptions; and an additional BMP summary table identifying each identified area of industrial activity, the associated industrial pollutant sources, the industrial pollutants, and the BMPs being implemented. *See* 2015 Permit §§ X(G)(2), (4), (5).

The 2015 Permit requires dischargers to implement and maintain, to the extent feasible, all of the following minimum BMPs in order to reduce or prevent pollutants in industrial storm water discharges: good housekeeping, preventive maintenance, spill and leak prevention and response, material handling and waste management, erosion and sediment controls, an employee training program, and quality assurance and record keeping. *See* 2015 Permit, § X(H)(1). Failure to implement all of these minimum BMPs is a violation of the 2015 Permit. *See* 2015 Permit Fact Sheet § I(2)(o). The 2015 Permit further requires dischargers to implement and maintain, to the extent feasible, any one or more of the following advanced BMPs necessary to reduce or prevent discharges of pollutants in industrial storm water discharges: exposure minimization BMPs, storm water containment and discharge reduction BMPs, treatment control BMPs, and other advanced BMPs. *See* 2015 Permit, § X(H)(2). Failure to implement advanced BMPs as necessary to achieve compliance with either technology or water quality standards is a violation of the 2015 Permit. *Id.* The 2015 Permit also requires that the SWPPP include BMP Descriptions and a BMP Summary Table. *See* 2015 Permit § X(H)(4), (5). A Facility's BMPs must, at all times, be robust enough to meet the General Permit's and 33 U.S.C. ¶ 1342(p)(3)(A)'s requirement that all discharges associated with industrial activities be subjected to BAT and BCT. 2015 Permit §§ V(A), I(A)(1), I(D)(31), I(D)(32); 1997 Permit, Effluent Limitation B(3), Receiving Water

Limitation C(3).

Dischargers must prepare “a site map that includes notes, legends, a north arrow, and other data as appropriate to ensure the map is clear, legible and understandable.” 2015 Permit, ¶ X.E.1. The map must include “[t]he facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas.” *Id.*, ¶ X.E.3.a. The map must “[i]nclude the flow direction of each drainage area, on-facility surface water bodies, areas of soil erosion, and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility’s industrial storm water discharges and authorized NSWDS....” *Id.* The map must show the “[l]ocations of storm water collection and conveyance systems, associated discharge locations, and direction of flow [and] [i]nclude any sample locations if different than the identified discharge locations. *Id.*, ¶ X.E.3.b. The “[l]ocations and descriptions of structural control measures that affect industrial storm water discharges, authorized NSWDS, and/or run-on” must be depicted on the map. *Id.*, ¶ X.E.3.c. “[A]ll impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures” must be identified on the map. *Id.*, ¶ X.E.3.d. The location of spills and leaks must be shown. *Id.*, ¶ X.E.3.e. Lastly, the map must identify “[a]reas of industrial activity subject to this General Permit. Identify all industrial storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and material reuse areas, and other areas of industrial activity that may have potential pollutant sources. *Id.*, ¶ X.E.3.f.

Despite these clear SWPPP requirements, West Valley MRF has been conducting and continues to conduct industrial operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP.

West Valley MRF’s SWPPP map is both unclear and deficient, and is therefore inconsistent with Section X(E) of the 2015 Permit. The SWPPP map also fails to depict the Facility’s storm water drainage areas, in violation of Section X(E)(3)(a) of the 2015 Permit. The SWPPP map also does not depict the Facility’s discharge locations or sample locations. “Line B,” one of the two main storm drain lines at the Facility as well as any management measures associated with it, is not depicted on the SWPPP map.

The Facility’s SWPPP fails to comply with Section X(G)(1)(a) of the 2015 Permit, requiring the SWPPP to identify and describe “[a]reas protected by containment structures and the corresponding containment capacity.” The SWPPP map depicts a “storm water impoundment area,” but the SWPPP does not describe this containment area or its containment capacity. In addition, the SWPPP does not “identify and describe” this BMP, in violation of Section X(C)(1)(b) of the 2015 Permit.

The Facility’s SWPPP fails to comply with the requirements of Section X(G)(2) of the 2015 Permit. West Valley MRF has failed to identify where the minimum BMPs in different

areas of the Facility will not adequately reduce the pollutants in the Facility's storm water dischargers and to identify advanced BMPs for those areas.

The Facility's SWPPP fails to comply with the requirements of Section X(H) of the 2015 Permit. The SWPPP fails to implement advanced BMPs meeting the BAT and BCT standards and fails to adequately reduce the pollutants resulting from the Facility's industrial activities. Relatedly, the Facility's storm water samples and discharge observations have consistently exceeded EPA benchmarks and NALs, demonstrating the failure of its BMPs to reduce or prevent pollutants associated with industrial activities in the Facility's discharges consistent with the BAT and BCT requirements. Despite these exceedances, West Valley MRF has failed to sufficiently update the Facility's SWPPP. The Facility's SWPPP has therefore never achieved the General Permit's objective to identify and implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges consistent with reductions achieved by implementing BAT and BCT at the Facility.

CCA EJ puts West Valley MRF on notice that it violates the General Permit and the CWA every day that the Facility operates with an inadequately developed, implemented, and/or revised SWPPP. These violations are ongoing, and CCA EJ will include additional violations as information and data become available. West Valley MRF is subject to civil penalties for all violations of the CWA occurring since May 4, 2013.

C. Failure to Conduct Sampling and Analysis.

The 1997 Permit requires facility operators to develop and implement an adequate Monitoring and Reporting Program before industrial activities begin at a facility. *See* 1997 Permit, § B(1). The 2015 Permit includes similar monitoring and reporting requirements. *See* 2015 Permit, § XI. The primary objective of the Monitoring and Reporting Program is to both observe and to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the General Permit's discharge prohibitions, effluent limitations, and receiving water limitations. An adequate Monitoring and Reporting Program therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at a facility, and is evaluated and revised whenever appropriate to ensure compliance with the General Permit.

Sections B(3)-(16) of the 1997 Permit set forth the monitoring and reporting requirements. As part of the Monitoring Program, all facility operators must conduct visual observations of storm water discharges and authorized non-storm water discharges, and collect and analyze samples of storm water discharges. As part of the Reporting Program, all facility operators must timely submit an Annual Report for each reporting year. The monitoring and reporting requirements of the 2015 Permit are substantially similar to those in the 1997 Permit, and in several instances more stringent.

The 1997 Permit requires dischargers to collect storm water samples during the first hour of discharge from the first storm event of the wet season, and at least one other storm event during the wet season, from all storm water discharge locations at a facility. *See* 1997 Permit, §

B(5). A sample must be collected from each discharge point at the facility, and in the event that an operator fails to collect samples from the first storm event, the operators must still collect samples from two other storm events and “shall explain in the Annual Report why the first storm event was not sampled.” *See* 1997 Permit, § B(5)(a). The 2015 Permit now mandates that facility operators sample *four* (rather than two) storm water discharges from all discharge locations over the course of the reporting year. *See* 2015 Permit, §§ XI(B)(2), (3). Storm water discharges trigger the sampling requirement under the 1997 Permit when they occur during facility operating hours and are preceded by at least three working days without storm water discharge. *See* 1997 Permit, § B(5)(b). The 2015 Permit shortens the preceding no discharge period to 48 hours. *See* 2015 Permit, § XI(B)(1). Samples must be collected from each drainage area at all discharge locations and be representative of storm water associated with the Facility’s industrial activity and any commingled discharges. *See* 2015 Permit, § XI(B)(4); *see also* 1997 Permit § B(5)(a).

On information and belief, CCAEJ alleges that during the 2014-2015 wet season, West Valley MRF failed to collect and analyze a second storm water sample from discharge location MP2-Clarifier Point. On information and belief, CCAEJ alleges that during the 2013-2014 wet season, West Valley MRF failed to collect and analyze any storm water samples from discharge location MP1-Southwest Drain. CCAEJ alleges that local precipitation data compared to dates when the Facility did collect storm water samples from both discharge locations shows that discharges occurred on several dates during the wet seasons on which the Facility was open, but the Facility did not collect and analyze samples from all discharge locations. Specifically, CCAEJ alleges that discharges occurred on the following dates, but a storm water sample was not taken at one of the two discharge locations at the Facility:

- February 23, 2015 (sample taken at mp1 but not mp2)
- February 28, 2014 (sample taken at mp2 but not mp1)
- October 29, 2013 (sample taken at mp2 but not mp1)

Because West Valley MRF failed to take samples from all discharge locations during the 2013-2014 and 2014-2015 wet seasons, West Valley MRF has violated the General Permit’s monitoring requirement.

D. Failure to Comply with 2015 Permit Evaluation and ERA Requirements.

On or about November 23, 2016, West Valley MRF submitted an “Exceedance Response Action Evaluation and Report Level One” to the State Board’s SMARTs system for the following pollutants: TSS, COD, iron, aluminum, zinc, phosphorus, magnesium, BOD, ammonia, and copper. On or about December 28, 2017, West Valley MRF submitted an “Exceedance Response Action Evaluation and Report Level One” to the State Board’s SMARTs system for O&G. The ERA Report and Level One status are triggered by exceedances of the NALs adopted in the 2015 General Permits. The ERA Level One report must, among other requirements, “[i]dentify in the evaluation the corresponding BMPs in the SWPPP and any

Messrs. Gary Koontz, et al.
West Valley MRF, LLC
May 4, 2018
Page 32 of 34

additional BMPs and SWPPP revisions necessary to prevent future NAL exceedances and to comply with the requirements of this General Permit.” 2015 Permit, § VII.C.1.c.

On or about December 28, 2017, West Valley MRF submitted a “Level 2 Exceedance Response Action Plan” to the State Board’s SMARTs system. The ERA Report and Level Two status are triggered by exceedances of the NALs adopted in the 2015 General Permits. In order to return to baseline status from Level Two status, West Valley MRF must have “implemented BMPs to prevent future NAL exceedance(s).” 2015 Permit Section XII.D.4.a

West Valley MRF’s November 23, 2016 ERA Level One report addresses the Facility’s exceedance of the annual NAL for TSS of 100 mg/L, COD of 120 mg/L, iron of 1 mg/L, aluminum of 0.75 mg/L, zinc of 0.26 mg/L, phosphorus of 2 mg/L, magnesium of 0.064 mg/L, BOD of 30 mg/L, ammonia (as N) of 2.14 mg/L, and copper of 0.0332 mg/L during the 2015-2016 reporting year. West Valley MRF’s December 28, 2017 ERA Level One report addresses the Facility’s exceedance of the annual NAL for O&G of 15 mg/L during the 2016-2017 reporting year. West Valley MRF’s December 28, 2017 Level Two ERA Action Plan addresses the Facility’s ongoing exceedance of the annual NAL for TSS, COD, iron, aluminum, zinc, phosphorus, magnesium, BOD, ammonia, and copper during the 2016-2017 reporting year.

Although the Level One and Two ERA Action Plans address TSS, COD, iron, aluminum, zinc, phosphorus, magnesium, BOD, ammonia, and copper in both plans, and the December 28, 2017 ERA Level One report addresses O&G, West Valley MRF failed to identify BMPs necessary to prevent future NAL exceedances or to comply with BAT/BCT requirement of the Permit. The measures identified in the ERA could not achieve, and indeed did not achieve, the applicable NALs for TSS, COD, iron, aluminum, zinc, phosphorus, magnesium, BOD, ammonia, copper, or O&G.

Although “[i]t is not a violation of this General Permit to exceed the NAL values; it is a violation of the permit, however, to fail to comply with the Level 1 status and Level 2 status ERA requirements in the event of NAL exceedances.” Fact Sheet, p. 60. Accordingly, CCAEJ puts West Valley MRF on notice that it has violated and continues to violate the General Permit and the CWA every day that the Facility operates without adequate Level 1 ERA Reports for TSS, COD, iron, aluminum, zinc, phosphorus, magnesium, BOD, ammonia, copper, and O&G., and without adequate Level 2 ERA Action Plans for TSS, COD, iron, aluminum, zinc, phosphorus, magnesium, BOD, ammonia, and copper. These violations are ongoing. West Valley MRF is subject to civil penalties for each day it has failed to submit adequate Level 1 ERA Reports and a Level 2 ERA Action Plan.

III. Persons Responsible for the Violations.

CCAIEJ puts West Valley MRF, LLC, Burrtec Waste Industries, Inc., Gary Koontz, and Richard Crockett on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCAIEJ puts West Valley MRF, LLC, Burrtec Waste Industries, Inc.,

Messrs. Gary Koontz, et al.
West Valley MRF, LLC
May 4, 2018
Page 33 of 34

Gary Koontz, and Richard Crockett on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of the Center for Community Action and Environmental Justice is as follows:

Allen Hernandez, Executive Director
Center for Community Action and Environmental Justice
P.O. Box 33124
Jurupa Valley, CA 92519
Tel. (951) 360-8451

V. Counsel.

CCA EJ has retained legal counsel to represent it in this matter. Please direct all communications to:

Rebecca Davis
Michael Lozeau
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
Tel. (510) 836-4200
rebecca@lozeaudrury.com
michael@lozeaudrury.com

VI. Penalties.


Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects West Valley MRF to a penalty of up to \$37,500 per day per violation for all violations. In addition to civil penalties, CCA EJ will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCA EJ believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCA EJ intends to file a citizen suit under Section 505(a) of the Act against West Valley MRF and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCA EJ would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCA EJ suggests that you initiate those discussions

Messrs. Gary Koontz, et al.
West Valley MRF, LLC
May 4, 2018
Page 34 of 34

within the next 20 days so that they may be completed before the end of the 60-day notice period. CCAEJ does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely



Rebecca L. Davis
Lozeau Drury LLP
Attorneys for Center for Community Action and
Environmental Justice

SERVICE LIST – via certified mail

Scott Pruitt, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Eileen Sobeck, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Jefferson B. Sessions III, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Alexis Strauss, Acting Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Hope Smythe, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

ATTACHMENT A
Rain Dates, West Valley MRF, Fontana, CA

5/6/2013	9/15/2015	1/11/2017
10/9/2013	10/4/2015	1/12/2017
11/21/2013	10/5/2015	1/19/2017
12/7/2013	11/2/2015	1/20/2017
2/6/2014	11/25/2015	1/22/2017
2/28/2014	12/13/2015	1/23/2017
3/1/2014	12/19/2015	2/7/2017
4/1/2014	12/22/2015	2/17/2017
4/2/2014	1/5/2016	2/18/2017
4/25/2014	1/6/2016	2/26/2017
8/20/2014	1/7/2016	2/27/2017
11/21/2014	1/31/2016	8/1/2017
12/2/2014	2/17/2016	8/31/2017
12/3/2014	3/6/2016	1/8/2018
12/4/2014	3/7/2016	1/9/2018
12/12/2014	3/11/2016	1/20/2018
12/17/2014	4/8/2016	2/27/2018
12/30/2014	10/23/2016	3/2/2018
1/11/2015	10/24/2016	3/3/2018
1/26/2015	11/21/2016	3/10/2018
2/22/2015	11/26/2016	3/15/2018
2/23/2015	11/27/2016	3/17/2018
3/2/2015	12/15/2016	3/22/2018
4/7/2015	12/21/2016	
4/25/2015	12/22/2016	
5/8/2015	12/23/2016	
5/14/2015	12/24/2016	
7/18/2015	12/31/2016	
7/19/2015	1/5/2017	
9/9/2015	1/9/2017	